

County of Los Angeles

DEPARTMENT OF PUBLIC SOCIAL SERVICES

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PHILIP L. BROWNING
Director

SHERYL L. SPILLER
Chief Deputy



Board of Supervisors

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MICHAEL D. ANTONOVICH
Fifth District

July 9, 2009

TO: Each Supervisor

FROM: Philip L. Browning, Director

SUBJECT: **NOTICE OF EXECUTION OF AMENDMENT NUMBER 16 TO THE PERSONAL ASSISTANCE SERVICES COUNCIL AGREEMENT NUMBER 72426 TO MAKE THE BACK-UP ATTENDANT PILOT PROGRAM A PERMANENT PROGRAM AND RENAME IT THE BACK-UP ATTENDANT PROGRAM**

Attached is a copy of Amendment Number 16 to County Agreement Number 72426 with the Personal Assistance Services Council that was executed on June 29, 2009, in accordance with your Board letter of June 16, 2009, in which you granted me delegated authority to execute this amendment to make the Back-up Attendant Pilot Program a permanent program through June 30, 2010, and rename it the Back-up Attendant Program (BUAP). The June 16, 2009, Board letter also approved the appropriation of \$11,000 (wage rate differential) partially offset by State and Federal Revenue, with a net County cost of \$4,000 to continue the BUAP in Los Angeles County.

The Chief Executive Office and County Counsel have reviewed and approved this Amendment Number 16 as to form.

PLB: nth

Attachment

c: Chief Executive Officer
Acting County Counsel
Deputy Chief Executive Officer
Executive Officer, Board of Supervisors
PASC Executive Director



AMENDMENT NUMBER 16

TO

**AGREEMENT No. 72426 BETWEEN
COUNTY OF LOS ANGELES
AND
PERSONAL ASSISTANCE SERVICES COUNCIL (PASC)**

June 2009

**AMENDMENT NUMBER 16
TO
AGREEMENT NO. 72426 BETWEEN
COUNTY OF LOS ANGELES
AND
LOS ANGELES COUNTY PERSONAL ASSISTANCE SERVICES COUNCIL**

THIS AMENDMENT is made and entered into this 29 day of June 2009 by and between the County of Los Angeles, hereinafter referred to as COUNTY, and the Los Angeles County Personal Assistance Services Council ("PASC").

WHEREAS, reference is made to the document entitled "AGREEMENT BY AND BETWEEN COUNTY OF LOS ANGELES AND LOS ANGELES COUNTY PASC," dated September 14, 1999, and further identified as County Agreement No. 72426, Amendment Number 1, dated October 24, 2000, Amendment 2 dated, October 24, 2000, Amendment Number 3 dated November 20, 2002, Amendment Number 4, dated June 22, 2004, Amendment Number 5, dated October 28, 2004, Amendment 6, dated June 30, 2005, Amendment 7, dated July 28, 2005, Amendment 8, dated October 26, 2005, Amendment 9 dated June 29, 2006, Amendment 10 dated August 10, 2006, Amendment 11 dated March 30, 2007; Change Notice #1 dated October 16, 2007; Amendment 12 dated April 16, 2008; Amendment 13 dated June 25, 2008, Amendment 14 dated March 2, 2009, and **Amendment 15 dated** June 29, 2009 referred to as "Agreement."

WHEREAS, said Agreement provides that changes may be made in the form of a written amendment which is formally approved and executed by both parties; and

NOW THEREFORE, the parties hereby agree as follows:

This Amendment shall become effective upon execution by both parties.

- I. Section II, **CONTRACT PERIOD**, paragraph 4 is replaced with the following:

The Back-up Attendant Pilot Program (BUAPP) will no longer be considered a *pilot* program, but instead be made a permanent program under the current Agreement 72426, unless terminated or extended, in whole or in part, as provided in Agreement 72426. The program will be renamed the Back-up Attendant Program (BUAP). The PASC shall continue to comply with the requirements as defined in **Attachment A, Statement of Responsibilities**, Section 8.0.

- II. Section II, **CONTRACT PERIOD**, paragraph 3 is deleted in its entirety.

Section II, **CONTRACT PERIOD**, paragraph 5 is deleted in its entirety.

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- III. Section IV, **FISCAL PROVISIONS**, subparagraph 4.0.6 and 4.0.6.1 are deleted in their entirety and replaced with the following:

4.0.6 Effective with the execution of this Amendment 16, the COUNTY'S appropriation for the PASC negotiated wage, for providers who provide Back-Up Attendant Program services, shall be \$12.00 per allowable hour, which is higher than the current hourly wage rate of \$9.00. This amount is an absolute limit, and the COUNTY is not obligated in any way to pay or subsidize beyond this negotiated Back-Up Attendant Program hourly rate of \$12.00. Both parties further agree that the BUAP hourly wage rate shall not exceed \$3.00 above the State's participation. To the extent the State's participation decreases below the COUNTY'S established hourly wage rate, the BUAP hourly wage shall decrease accordingly.

4.0.6.1 In the event the State does not fully participate up to the COUNTY'S established wage rate, as set forth in subparagraph 6.0.2.3 below, and in benefits of approximately \$0.60 per hour, or if the State's funding pursuant to Welfare and Institutions Code §12306.1, in any way becomes unavailable, the COUNTY'S above stated obligation for any wage above minimum wage, like that of Back-Up Attendants' hourly rate of \$12.00 or capitation payments, shall not exceed \$3.00 above the State's participation. No further action by the County Board of Supervisors will be required to effect this change, whether or not the COUNTY reached its maximum allocation of funds for any fiscal year, as set forth in subparagraph 5.6 below. Both parties further agree that Welfare and Institutions Code §12306(c)(3) does not obligate the COUNTY in any way or at any time to fund the State share of wages or capitation payments negotiated pursuant to Welfare and institutions Code §12306.1.

- IV. Section IV, **FISCAL PROVISIONS**, paragraph 5.6 and 5.7 are deleted in their entirety and replaced with the following:

5.6 Effective July 1, 2009 through June 30, 2010, the total cost set aside to continue the BUAP will be \$11,000 (wage rate differential), partially offset by State and Federal Revenue, with a Net County Cost (NCC) of \$4,000. The COUNTY agrees to allocate the \$4,000 in NCC for provider compensation related to

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the BUAP. The costs for the BUAP services subject to this section are to cover provider compensation related to the program except for health care plan administrative costs as set forth in paragraph 4.3.1 above. If this amount is exceeded in any Fiscal Year, the program shall be terminated until the County Board of Supervisors appropriates additional funding or the beginning of the following Fiscal Year.

- 5.7 Effective July 1, 2009, the PASC will continue to assume all administrative costs related to the BUAP as part of their regular contract.

V. **Attachment A, Statement of Responsibilities**, subparagraph 8.11.1 is deleted in its entirety.

VI. **Attachment A, Statement of Responsibilities**, subparagraph 8.12.7 is revised as follows:

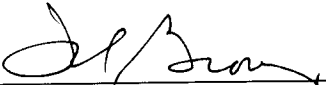
- 8.12.7 The PASC and the COUNTY shall periodically review the number of consumers served and the usage patterns as a part of the monitoring process. As to consumers who are making frequent use of the program, consideration will be given to strategies to assist the consumers in establishing alternative solutions (e.g., assist the consumer in seeking DPSS review of his/her number of authorized hours or assist the consumer in the use of the PASC Registry to locate more reliable permanent providers). COUNTY and PASC may also examine patterns of use and modify the Back-Up Attendant Program accordingly.

All other remaining provisions established pursuant to Amendments 10 and 12 are hereby amended to change BUAPP to BUAP.

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IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Amendment to be signed by the Director of the Department of Public Social Services and the PASC has caused this Contract to be signed by its duly authorized officer(s), on the 29 day of June 2009.

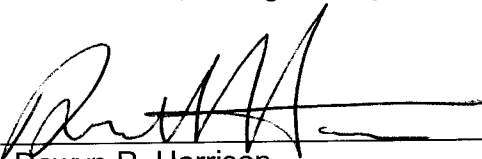
COUNTY OF LOS ANGELES

By 
Philip L. Browning, Director
Department of Public Social Services

PERSONAL ASSISTANCE SERVICES COUNCIL

By 
Chris Otero, Chair
PASC Governing Board

APPROVED AS TO FORM:
Robert E. Kalunian, Acting County Counsel

By 
Dawyn R. Harrison
Principal Deputy Counsel